

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 56th LEGISLATURE - REGULAR SESSION

JOINT APPROPRIATIONS SUBCOMMITTEE ON CORRECTIONS AND PUBLIC SAFETY

Call to Order: By **CHAIRMAN STEVE VICK**, on **February 12, 1999** at
8:10 A.M., in Room 405 Capitol.

ROLL CALL

Members Present:

Rep. Steve Vick, Chairman (R)
Sen. Arnie Mohl, Vice Chairman (R)
Sen. Chris Christiaens (D)
Rep. Stan Fisher (R)
Sen. Dale Mahlum (R)
Rep. Red Menahan (D)

Members Excused: Sen. Debbie Shea (D)

Members Absent: None.

Staff Present: Skip Culver, Legislative Branch
Mary LaFond, OBPP
Linsey Mortensen, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Executive Action: DEPARTMENT OF CORRECTIONS
-Community Corrections
-Secure Facilities
-MT Correctional Enterprises

EXHIBIT(jih35a01) hand-out on the VINE system

EXECUTIVE ACTION ON COMMUNITY CORRECTIONS PROGRAM

Motion/Vote: SEN. CHRISTIAENS moved that **THE BASE BUDGET AND
STATEWIDE PRESENT LAW ADJUSTMENTS (FOR ALL PROGRAMS) BE ADOPTED.**
Motion carried unanimously. *SEN. SHEA and REP. MENAHAN voted by
proxy*

{Tape : 1; Side : A; Approx. Time Counter : 2.2 - 2.5}

Program (1) - Community Corrections Administration

ISP Electronic Monitoring PL Adjustment (DP 1216)

Motion: SEN. MOHL moved that DP 1216 BE ADOPTED, CHANGING FY 2000 TO \$102,300 AND FY 2001 TO \$204,600. ALSO, \$7200 FOR FY 2000 AND \$14,400 FOR FY 2001.

Discussion: SEN. CHRISTIAENS asked if there would be any federal funds available. Rick Day responded that he did not think so.

Vote: Motion carried unanimously.

SEN. SHEA and REP. MENAHAN voted by proxy

{Tape : 1; Side : A; Approx. Time Counter : 2.5 - 5.3}

Criminal Justice Investigation Net (DP 22512)

Motion: SEN. MAHLUM moved that DP 22512 WITH NO BACKFILL BE ADOPTED.

Discussion: SEN. CHRISTIAENS and CHAIRMAN VICK discussed and explained the Interstate Compact and FTE.

Vote: Motion carried 6-1 with Vick voting no. *SEN. SHEA voted by proxy*

{Tape : 1; Side : A; Approx. Time Counter : 5.3 - 8.6}

Program (2) Treasure State Correctional Training Center (TSCTC)

TSCTC Present Law Adjustments (DP 1221)

Motion/Vote: SEN. MOHL moved that DP 1221 BE ADOPTED CHANGING FY 2000 TO \$171,177 AND FY 2001 TO \$169,577. Motion carried unanimously. *SEN. SHEA voted by proxy*

{Tape : 1; Side : A; Approx. Time Counter : 10.3 - 11.7}

TSCTC New Equipment (DP 2221)

Motion: SEN. CHRISTIAENS moved that DP 2221 BE ADOPTED.

Discussion: Comments by committee members about the equipment. CHAIRMAN VICK asked where the money would be for the maintenance of the equipment. Joe Williams replied that it was adjusted for in contracted services. CHAIRMAN VICK asked why contracted services has gone up to over 160%. Joe Williams stated that it

was because of the lag time for moving the boot camp from Seeley to the prison.

Discussion between Mike Ferriter and **CHAIRMAN VICK** about the number of people at the boot camp.

{Tape : 1; Side : A; Approx. Time Counter : 11.7 - 17.6}

Substitute Motion/Vote: SEN. MOHL made a substitute motion that DP 2221 BE ADOPTED; PUTTING \$20,000 INTO FY 2001 AND MAKE IT ONE-TIME ONLY FUNDING. Substitute motion carried unanimously.*SEN. SHEA voted by proxy*

{Tape : 1; Side : A; Approx. Time Counter : 17.6 - 19}

Program (3) Pre-release

Pre-release Present Law Adjustments (DP 1213)

Motion: SEN. MAHLUM moved that DP 1213 BE ADOPTED, CHANGING FY 2000 TO \$2,895,591 AND FY 2001 TO \$2,980,377 BE ADOPTED.

Discussion: CHAIRMAN VICK asked about vacancy savings with pre-release. Becky Buska replied that there is no vacancy savings with pre-release.

Vote: Motion carried unanimously. *SEN. SHEA voted by proxy*
{Tape : 1; Side : A; Approx. Time Counter : 19 - 20.8}

Site for a 40 bed Pre-release Center (DP 2212)

Motion: SEN. CHRISTIAENS moved that DP 2212 BE ADOPTED.

Discussion: Comments from SEN. CHRISTIAENS, CHAIRMAN VICK, and Mike Ferriter about the program.

Vote: Motion carried unanimously. *SEN. SHEA voted by proxy*
{Tape : 1; Side : A; Approx. Time Counter : 20.8 - 22.8}

Pre-release Sex Offender Beds (DP 2239)

Motion: SEN. CHRISTIAENS moved that DP 2239 BE ADOPTED; ONE-TIME ONLY FUNDING AND THE DEPARTMENT SHALL REPORT ON THE SUCCESS OF THE PROGRAM.

Discussion: CHAIRMAN VICK asked about where the beds are located. Rick Day stated that it is for a pilot program in which they try to release sex offenders back into the community. CHAIRMAN VICK asked how the notification process would work. Rick Day replied that each person would be screened and accepted

by the local community placement committee and than notification would already take place.

Comments by **SEN. CHRISTIAENS**.

REP. MENAHAN asked what would become of the Browns School program. Rick Day explained their contract.

Vote: Motion **carried unanimously**. * SEN. SHEA voted by proxy*
{Tape : 1; Side : A; Approx. Time Counter : 22.8 - 28.4}

Program (4) - Probation and Parole

Probation and Parole Present Law Adjustments (DP 1241)

Motion/Vote: SEN. MOHL moved that DP 1241 BE ADOPTED, CHANGING FY 2000 TO \$193,513 AND FY 2001 TO \$188,738. Motion carried **unanimously**. *SEN. SHEA voted by proxy*
{Tape : 1; Side : A; Approx. Time Counter : 28.4 - 30.1}

Probation and Parole Bureau Staff (DP 2215)

REP. FISHER asked for an explanation on DP 2215. Mike Ferriter explained the 27 FTE.

{Tape : 1; Side : A; Approx. Time Counter : 30.1 - 32.5}{Tape : 1; Side : B; Approx. Time Counter : 0.1 - 4.1}

Motion: SEN. MOHL moved that DP 2215; FOR FY 2000 THEY GET 13 FTE AND FY 2001 THEY GET 4 ADDITIONAL FTE PLUS 35% for OPERATING COSTS BE ADOPTED.

Discussion: Comments and discussion from committee members about the motion.

Vote: Motion **carried unanimously**. *SEN. SHEA voted by proxy*
{Tape : 1; Side : B; Approx. Time Counter : 4.1 - 6.6}

Program (5)-Riverside Youth Correctional Facility & Program (6) - Aspen Contract

Comments from **SEN. CHRISTIAENS** about 1251

{Tape : 1; Side : B; Approx. Time Counter : 6.6 - 8.5}

Aspen Inflation Adjustment (DP 1261)

Motion: SEN. MAHLUM moved that DP 1261 BE ADOPTED.

Discussion: Comments by **REP. FISHER, REP. MENAHAN, SEN. CHRISTIAENS,** and Mary LaFond.

Vote: Motion carried 6-1 with Vick voting no. *SEN. SHEA voted by proxy*
{Tape : 1; Side : B; Approx. Time Counter : 8.5 - 14.6}

Riverside Present Law Adjustments (DP 1251)

Motion/Vote: **REP. MENAHAN** moved that **DP 1251 BE ADOPTED; CHANGING FY 2000 TO \$57,830 AND FY 2001 TO \$43080. Motion carried unanimously.** *SEN. MAHLUM and SEN. SHEA voted by proxy.*
{Tape : 1; Side : B; Approx. Time Counter : 15.5 - 17.6}

SEN. CHRISTIAENS asked about 4E money to back general funds. Becky Buska replied that the department usually look at 4E money first.
{Tape : 1; Side : B; Approx. Time Counter : 17.6 - 19}

Riverside New Equipment (DP 22513)

Motion/Vote: **SEN. CHRISTIAENS** moved that **DP 22513 BE ADOPTED; WITH ONLY ONE ADDITIONAL APPARATUS AND ONE-TIME ONLY FUNDING. Motion carried unanimously.** *SEN. MAHLUM and SEN. SHEA voted by proxy.*
{Tape : 1; Side : B; Approx. Time Counter : 19 - 20.6}

Comments by **CHAIRMAN VICK**
{Tape : 1; Side : B; Approx. Time Counter : 20.6 - 21.1}

Program (7) - Transition Centers

Transition Center Present Law Adjustments (DP 1271)

Motion/Vote: **SEN. MOHL** moved that **DP 1271 BE ADOPTED; CHANGING FY 2000 TO \$54,954 AND FY 2001 TO \$46,942. MOTION CARRIED UNANIMOUSLY.** *SEN. MAHLUM and SEN. SHEA voted by proxy.*
{Tape : 1; Side : B; Approx. Time Counter : 21.1 - 22.2}

Transition Center New Equipment (DP 2271)

Motion/Vote: **SEN. MOHL** moved that **DP 2271 BE ADOPTED; FOR \$5,823 IN FY 2001 . Motion carried unanimously.** *SEN. MAHLUM and SEN. SHEA voted by proxy.*
{Tape : 1; Side : B; Approx. Time Counter : 22.2 - 23.6}

Program (8) - Juvenile Placement Funds

Juvenile Placement Present Law Adjustment (DP 1214)

Motion: SEN. MOHL moved that DP 1214 BE ADOPTED; CHANGING FY 2000 TO \$151,653 AND 14 FTE AND GIVING NOTHING IN FY 2001.

Discussion: Comments about the number of FTE.

Vote: Motion carried 4-3 with Christiaens, Menahan, and Shea voting no. *SEN. MAHLUM AND SEN. SHEA voted by proxy*
{Tape : 1; Side : B; Approx. Time Counter : 23.6 - 27.5}

Motion/Vote: SEN. CHRISTIAENS moved that the BUDGET (FOR COMMUNITY CORRECTIONS DIVISION) BE ADOPTED AS AMENDED. Motion carried unanimously. *SEN. MAHLUM AND SEN. SHEA voted by proxy*
{Tape : 1; Side : B; Approx. Time Counter : 27.5 - 28.2}

EXECUTIVE ACTION ON SECURE FACILITIES

Motion/Vote: REP. MENAHAN moved that the BASE BUDGET AND STATEWIDE PRESENT LAW ADJUSTMENTS (for all programs) BE ADOPTED. Motion carried unanimously. *SEN. MAHLUM AND SEN. SHEA voted by proxy*
{Tape : 1; Side : B; Approx. Time Counter : 29 - 29.5}

Comments by CHAIRMAN VICK about the staff vacancy especially with the Montana State Prison.
{Tape : 1; Side : B; Approx. Time Counter : 29.5 - 31.5}

Motion: SEN. MOHL moved TO CUT THE FTE FROM THE SECURED FACILITIES PROGRAM BE ADOPTED.

Discussion: Explanation by SEN. MOHL.
Questions and Comments from the committee members about staffing.

Vote: Motion carried 6-1 with Menahan voting no. *SEN. SHEA voted by proxy*
{Tape : 1; Side : B; Approx. Time Counter : 31.5 - 32.6}{Tape : 2; Side : A; Approx. Time Counter : 0.1 - 11.7}

Comments by Rick Day
{Tape : 2; Side : A; Approx. Time Counter : 12.2 - 14.1}

Program (1) - Montana State Prison

Montana State Prison Present Law Adjustments (DP 1311)

Motion/Vote: SEN. MOHL moved that DP 1311 BE ADOPTED. Motion carried unanimously. *SEN. SHEA voted by proxy*
{Tape : 2; Side : A; Approx. Time Counter : 14.1 - 14.8}

Abel Screening Assessment (DP 2318)

Motion/Vote: SEN. MOHL moved that DP 2318 BE ADOPTED; GIVING MONEY ONLY IN FY 2001 . Motion carried unanimously. *SEN. SHEA voted by proxy*
{Tape : 2; Side : A; Approx. Time Counter : 14.8 - 15.9}

Program (2) - Montan Women's Prison

Montana Women's Prison Present Law Adjustments (DP 1321)

Motion/Vote: REP. MENAHAN moved that DP 1321 BE ADOPTED WITH THE REDUCTION OF THE TRUCK. Motion carried unanimously. *SEN. SHEA voted by proxy*
{Tape : 2; Side : A; Approx. Time Counter : 15.9 - 17.6}

Montana Women's Prison New Equipment (DP 2321)

Motion/Vote: SEN. CHRISTIAENS moved that DP 2321 BE ADOPTED. Motion carried 5-2 with Mohl and Vick voting no. *SEN. SHEA voted by proxy*
{Tape : 2; Side : A; Approx. Time Counter : 17.6 - 19.3}

Program (3) - Pine Hills Youth Correctional Facility (PHYCY)

PHYCF Present Law Adjustments (DP 1331)

Motion: SEN. MOHL moved that DP 1331 BE ADOPTED; CHANGING FY 2000 TO \$177,000 AND FY 2001 TO \$151,000.

Discussion: Comments from SEN. CHRISTIAENS and Becky Buska.
Comments about motion from SEN. MAHLUM

Vote: Motion carried unanimously. *SEN. SHEA voted by proxy*
{Tape : 2; Side : A; Approx. Time Counter : 19.3 - 24}

PHYCF increase to 120/144 beds (DP 2333)

Motion: SEN. MOHL moved that DP 2333 BE ADOPTED; CUTTING THE FTE'S AND BUDGET IN HALF .

Discussion: CHAIRMAN VICK explained the motion.

SEN. CHRISTIAENS commented on the Brown School and the sex offender program that will be offered at Pine Hills.

Al Davis, on contract with the Brown's School, described the school's program.

Rick Day talked about the sex offender program that would be implemented at Pine Hills.

Comments from SEN. CHRISTIAENS and CHAIRMAN VICK.

Substitute Motion/Vote: SEN. CHRISTIAENS made a substitute motion that DP 2333 BE ADOPTED, KEEPING 13 FTE. Substitute motion carried unanimously. *SEN. SHEA voted by proxy*
{Tape : 2; Side : A; Approx. Time Counter : 24 - 32.4}{Tape : 2; Side : B; Approx. Time Counter : 0.1 - 1.8}

Program (4) - Contracted Beds

Male Contract Bed Present Law Adjustments (DP 1341)

Motion/Vote: SEN. MOHL moved that DP 1341 BE ADOPTED AND CUT 12%. Motion carried unanimously. *SEN. SHEA voted by proxy*
{Tape : 2; Side : B; Approx. Time Counter : 2.3 - 3.3}

Female Contract Bed Present Law Adjustments (DP 1342)

Motion/Vote: SEN. MOHL moved that DP 1342 BE ADOPTED CUTTING 10% PLUS \$36,00. Motion carried unanimously. *SEN. SHEA voted by proxy*
{Tape : 2; Side : B; Approx. Time Counter : 3.3 - 4.4}

Motion/Vote: SEN. MAHLUM moved that BUDGET BE ADOPTED AS AMENDED. Motion carried 6-1 with Menahan voting no. *SEN. SHEA voted by proxy*
{Tape : 2; Side : B; Approx. Time Counter : 4.4 - 5.3}

EXECUTIVE ACTION ON MONTANA CORRECTIONAL ENTERPRISES

Motion/Vote: REP. FISHER moved that BASE BUDGET AND STATEWIDE PRESENT LAW ADJUSTMENTS BE ADOPTED. Motion carried unanimously. *SEN. SHEA voted by proxy*
{Tape : 2; Side : B; Approx. Time Counter : 5.3 - 5.7}

License Plate Present Law Adjustment (DP 1411)

Motion: SEN. MOHL moved that DP 1411 BE ADOPTED; CHANGING FY 2000 TO \$51,263 AND FY 2001 TO \$83,625 .

Discussion: REP. MENAHAN, CHAIRMAN VICK, SEN. MOHL, and Ross Swanson discussed the License Plate program.

Substitute Motion: SEN. CHRISTIAENS made a substitute motion that DP 1411 BE ADOPTED AS IS.

Discussion: SEN. MAHLUM asked some questions about the turn around rate.

Vote: Motion failed 3-4 with Christiaens, Menahan, and Shea voting aye. *SEN. SHEA voted by proxy*

Vote on original motion: Motion carried 4-3 with Christiaens, Menahan, and Shea voting no. *SEN. SHEA voted by proxy*
{Tape : 2; Side : B; Approx. Time Counter : 5.7 - 17.5}

Industries Training Present Law Adjustment (DP 1421)

Motion: REP. MENAHAN moved that DP 1421 BE ADOPTED.

Discussion: SEN. MOHL asked for an explanation. Ross Swanson explained the mix of funding for the program. SEN. MOHL asked if the total becomes part of the base. Skip Culver explained that it did go into the base.

Substitute Motion/Vote: SEN. MOHL made a substitute motion that DP 1421 BE ADOPTED BUT DOES NOT BECOME PART OF THE BASE.

Substitute motion carried unanimously. *SEN. SHEA voted by proxy*
{Tape : 2; Side : B; Approx. Time Counter : 17.5 - 22}

Ross Swanson described what the department wanted to do with the Motor Vehicle Maintenance Operation. EXHIBIT(jih35a02)
{Tape : 2; Side : B; Approx. Time Counter : 23.2 - 26.9}

Comments by SEN. CHRISTIAENS.

SEN. MAHLUM asked where the program would be located at. Ross Swanson stated that the shop is at Montana State Prison.
{Tape : 2; Side : B; Approx. Time Counter : 26.9 - 27.5}

EXHIBIT(jih35a03)

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Motion/Vote: SEN. CHRISTIAENS moved TO ADOPT THE MOTION STATED ON EXHIBIT 3. Motion carried unanimously.*SEN. SHEA voted by proxy*

{Tape : 2; Side : B; Approx. Time Counter : 27.5 - 28.8}

Motion/Vote: REP. MENAHAN moved that THE BUDGET BE ADOPTED AS AMENDED. Motion carried unanimously. *SEN. SHEA voted by proxy*

{Tape : 2; Side : B; Approx. Time Counter : 28.8 - 29}

EXHIBIT(jih35a04)

Discussion on the proposed language

{Tape : 2; Side : B; Approx. Time Counter : 29 - 32.3}{Tape : 3; Side : A; Approx. Time Counter : 0.1 - 2.6}

Motion/Vote: SEN. CHRISTIAENS moved that the LANGUAGE IN EXHIBIT 4 BE ADOPTED along with language that SEN. MAHLUM requested.

Motion carried unanimously. *SEN. SHEA voted by proxy*

{Tape : 3; Side : A; Approx. Time Counter : 2.6 - 3.1}

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ADJOURNMENT

Adjournment: 11:00 A.M.

REP. STEVE VICK, Chairman

LINSEY MORTENSEN, Secretary

SV/LM

EXHIBIT (jih35aad)